

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Paul T. Jacobs et al.

Serial No. : Art Unit:

Filed : Examiner:

For : APPARATUS AND PROCESS FOR CONCENTRATING A LIQUID  
STERILANT AND STERILIZING ARTICLES THEREWITH

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under

\$1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in \$1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under \$1.114, no additional fee is required.

☐ In accordance with \$1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with \$1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in \$1.17(p).

☐ In accordance with \$1.97(c), this Information Disclosure Statement is being filed after the period set forth in \$1.97(b) above but before the mailing date of either a Final Action under \$1.113 or a Notice of Allowance under \$1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with \$1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in \$1.17(p).

☐ In accordance with \$1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under \$1.113 or a Notice of Allowance under \$1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in

Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

☒ There are no listed references which are not in the English language.

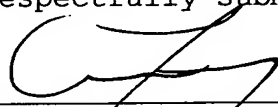
☐ The relevance of those listed references which are not in the English language is as follows:

☒ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☒ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/JJM-408CON1/ACF. This form is submitted in triplicate.

Respectfully submitted,

  
\_\_\_\_\_  
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Reg. No. 35,868  
Attorney for Applicants

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DATED: 1-26-04

<b>SUBMISSION UNDER MPEP 609 D</b>  <b>Page 1 of 1</b>	<b>Application Number</b>	
	<b>Filing Date</b>	
	<b>First Named Inventor</b>	Paul T. Jacobs
	<b>Group Art Unit</b>	
	<b>Examiner Name</b>	
	<b>Attorney Docket Number</b>	JJM-408 CON1

**U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Name of Patentee or Applicant of Cited Document	U.S. Patent Document		Pages, Columns, Lines, where relevant passages or relevant figures appear
			Number	Kind Code <sup>2</sup> (if known)	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Name of Patentee or Applicant of Cited Document	Foreign Patent Document			Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>6</sup>
			Office <sup>3</sup>	Number <sup>4</sup>	KindCode <sup>5</sup>		

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

Examiner's Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		European Search Report 99 96 8969, dated May 15, 2003	
		European Search Report EP 00 31 1545 dated 03-06-2003	
		European Search Report EP 97 30 2305 dated 07-25-1997	
		PCT International Search Report No. PCT/US99/31100 dated April 10, 2000	
		U.S. Patent Application Serial No. 10/403,140 (Docket JJM 408 CIP2) filed 3/31/2003	
		U.S. Patent Application Serial No. 10/403,217 (Docket ASP 66 CIP) filed 3/31/2003	
		U.S. Patent Application Serial No. 10/403,450 (Docket ASP 66 CIP1) filed 3/31/2003	
		U.S. Patent Application Serial No. 10/284,987 (Docket ASP-75) filed 10/31/2002	
		U.S. Patent Application Serial No. 10/261,282 (Docket ASP-71) filed 09/30/2002	

Examiner Signature		Date Considered	
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Substitute for form 1449A/PTO		Application Number	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary) Sheet 1 of 5		Filing Date	
		First Named Inventor	Paul T. Jacobs
		Group Art Unit	
		Examiner Name	
		Attorney Docket Number	JJM-408 CON1

#### U.S. PATENT DOCUMENTS

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		Number	Kind Code <sup>2</sup> (if known)			
		4,102,055		Volk, Jr.	07/25/1978	
		4,169,123		Moore et al.	09/25/1979	
		4,169,124		Forstrom et al.	09/25/1979	
		4,230,663		Forstrom et al.	10/28/1980	
		4,337,223		Kaye	06/29/1982	
		4,410,492		Kaye	10/18/1983	
		4,512,951		Koubek	04/23/1985	
		4,642,165		Bier	02/10/1987	
		4,643,876		Jacobs et al.	02/17/1987	
		4,744,951		Cummings et al.	05/17/1998	
		4,756,882		Jacobs et al.	07/12/1988	
		4,797,255		Hatanaka et al.	01/10/1989	

#### FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				
		CA	2,149,923	A	Mit internationalem Recherchenbericht	11/24/1992		
		EP	0 799 621	A1	Addy et al.	10/08/1997		
		DE	41 02 055	A	Olympus Optical Co., Ltd.	01/26/1990		
		DT	26 23 917	A	Gleich Anmelder	12/15/1977		
		EP	0 898 971	A	Ethicon, Inc.	03/03/1999		
		EP	0 923 951	A	Ethicon, Inc.	06/23/1999		
		EP	0 302 420	A	Surgikos, Inc.	02/08/1989		
		EP	1 110 559	A	L'Air Liquide	06/27/2001		

Examiner Signature	Date Considered
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Substitute for form 1449A/PTO		Application Number	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary) <b>Sheet 2 of 5</b>		Filing Date	
		First Named Inventor Paul T. Jacobs	
		Group Art Unit	
		Examiner Name	
		Attorney Docket Number JJM-408 CON1	

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		Number	Kind Code <sup>2</sup> (if known)			
		4,817,800		Williams et al.	04/4/1989	
		4,899,519		Williams et al.	02/13/1990	
		4,909,999		Cummings et al.	03/20/1990	
		4,943,414		Jacobs et al.	07/24/1990	
		4,952,370		Cummings et al.	08/28/1990	
		4,956,145		Cummings et al.	09/11/1990	
		5,087,418		Jacob	02/11/1992	
		5,115,166		Campbell et al.	05/19/1992	
		5,286,448		Childers	02/15/1994	
		5,310,524		Campbell et al.	05/10/1994	
		5,346,075		Nichols et al.	09/13/1994	
		5,389,336		Childers et al.	02/14/1995	

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		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				
		EP	0 302 419	B	Johnson & Johnson Medical, Inc.	02/08/1989		
		EP	916937	A2	Ethicon, Inc.	05/19/1999		
		EP	0 456 135	A	Abtox, Inc.	11/13/1991		
		EP	0 302 419	A	Surgikos, Inc.	02/08/1989		
		EP	0 302 419	B1	Johnson & Johnson Medical, Inc.	09/23/1992		
		EP	0 223 479	A	Minnesota Mining and Manufacturing Co.	05/27/1987		

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet 3 of 5

**Application Number****Filing Date****First Named Inventor**

Paul T. Jacobs

**Group Art Unit****Examiner Name****Attorney Docket Number**

JJM-408 CON1

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		Number	Kind Code <sup>2</sup> (if known)			
		5,413,758		Caputo et al.	05/09/1995	
		5,413,750		Campbell et al.	05/09/1995	
		5,425,815		Parker et al.	06/20/1995	
		5,443,801		Langford	08/22/1995	
		5,451,368		Jacob	09/19/1995	
		5,492,672		Childers et al.	02/20/1996	
		5,527,508		Childers et al.	06/18/1996	
		5,534,221		Hillebrenner et al.	07/09/1996	
		5,552,115		Malchesky	09/03/1996	
		5,556,607		Childers et al.	09/17/1996	
		5,558,841		Nakagawa et al.	09/24/1996	
		5,570,739		Krawchuk et al.	11/05/1996	
		5,580,530		Kowatsch et al.	12/03/1996	
		5,600,142		Van Den Berg et al.	02/04/1997	

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		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				
		EP	0 207 417	B	Surgikos, Inc.	01/07/1987		
		WO	94/12090	A	Mit internationalem Recherchenbericht	11/24/1992		
		WO	99 27971	A	Seikagaku Corp.	06/10/1999		

Examiner  
Signature

Date

Considered

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<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary) <b>Sheet 4 of 5</b>	<b>Application Number</b>	
	<b>Filing Date</b>	
	<b>First Name of Inventor</b>	Paul T. Jacobs
	<b>Group Art Unit</b>	
	<b>Examiner Name</b>	
	<b>Attorney Docket Number</b>	JJM-408 CON1

**U.S. PATENT DOCUMENTS**

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		Number	Kind Code <sup>2</sup> (if known)			
		5,633,424		Graves et al.	05/27/1997	
		5,656,238		Spencer et al.	08/12/1997	
		5,667,753		Jacobs et al.	09/16/1997	
		5,674,450		Lin et al.	10/07/1997	
		5,711,921		Langford	01/27/1998	
		5,714,119		Kawagoe et al.	02/03/1998	
		5,770,739		Lin et al.	06/23/1998	
		5,788,925		Pai et al.	08/04/1998	
		5,792,422		Lin et al.	08/11/1998	
		5,804,139		Lin et al.	09/08/1998	
		5,851,485		Lin et al.	12/22/1998	
		5,882,589		Mariotti	03/16/1999	
		5,961,921		Addy et al.	10/05/1999	
		5,980,825		Addy et al.	11/09/1999	
		5,993,754		Lemmen et al.	11/30/1999	

**FOREIGN PATENT DOCUMENTS**

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		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				

Examiner Signature		Date Considered	
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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary) Sheet 5 of 5	Application Number	
	Filing Date	
	First Named Inventor	Paul T. Jacobs
	Group Art Unit	
	Examiner Name	
	Attorney Docket Number	JJM-408 CON1

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		Number	Kind Code <sup>2</sup> (if known)			
		6,010,662		Lin et al.	01/04/2000	
		6,013,227		Lin et al.	01/11/2000	
		6,015,529		Lin et al.	01/18/2000	
		6,030,579		Addy et al.	02/29/2000	
		6,036,918-A		Kowanko	03/14/2000	
		6,039,922		Swank et al.	03/21/2000	
		6,056,918		Palaniappan et al.	05/02/2000	
		6,068,817		Addy et al.	05/30/2000	
		6,132,680		Addy et al.	10/17/2000	
		6,162,395		Kowanko	12/19/2000	
		6,174,502	B1	Addy et al.	01/16/2001	
		6,183,691B1		Swank et al.	02/06/2001	
		6,319,480	B1	Addy et al.	11/20/2001	
		6,325,972	B1	Jacobs et al.	12/04/2001	
		6,451,254		Wang et al.	09/17/2002	
		6,495,100	B1	Lin et al.	12/17/2002	
		6,528,017	B2	Jacobs	03/04/2003	
		6,589,481B1		Lin et al.	07/08/2003	
		6,627,150	B1	Wang et al.	09/30/2003	
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		2004/0001774	A1	Williams et al.	01/01/2004	

**FOREIGN PATENT DOCUMENTS**

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